

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

Redevelopment of Spectrum to
Encourage Innovation in the
Use of New Telecommunications
Technologies

ET Docket No. 92-9

ERRATUM

The North American Telecommunications submits the following correction to its Comments on petitions for reconsideration of the Commission's First Report and Order and Third Notice of Proposed Rulemaking, FCC 92-437, released October 16, 1992. The Comments were filed yesterday, March 30, 1993.

Page 4 of the filing contains an unfinished sentence. In the paragraph which is continued at the top of the page, the last sentence should read:

Indeed, for the reasons discussed above, the public safety exemption even as currently framed threatens to prevent the deployment of many types of unlicensed PCS products.

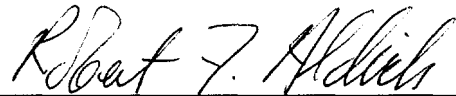
Attached is a corrected copy of the filing.

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Also attached is a certificate of service which was mistakenly omitted from the filing. The filing was served as indicated on the certificate.

Respectfully submitted,

A handwritten signature in cursive script, reading "Robert F. Aldrich", written in dark ink.

Albert H. Kramer
Robert F. Aldrich

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March 31, 1993
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In the Matter of:)
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Redevelopment of Spectrum to)
Encourage Innovation in the) ET Docket No. 92-9
Use of New Telecommunications)
Technologies)
)

The North American Telecommunications Association ("NATA") submits the following comments on the petitions for reconsideration of the Commission's First Report and Order and Third Notice of Proposed Rulemaking, FCC 92-437, released October 16, 1992 ("Decision").

NATA supports the petition of Apple Computer, Inc. for clarification or reconsideration of the Commission's Decision. As Apple explains, it is unclear whether the Commission actually adopted transition rules in the Decision. As Apple points out, Appendix A of the Decision refers to the rule changes as "proposed," and the text of the rules set out in Appendix A contains bracketed language which indicates key provisions have yet to be decided.

NATA also agrees with Apple that it is more appropriate under the circumstances to hold the adoption of rules in abeyance until all issues have been decided. This is particularly so with respect to the transition plan applicable to the portion of the spectrum

to be allocated to unlicensed personal communications services ("PCS"), currently proposed to be the 1910-1930 MHz band. The comments filed in response to the Commission's Third Notice of Proposed Rulemaking^{1/} demonstrate that there are a number of special factors affecting the transition plan for unlicensed PCS spectrum. These include, for example, the need to completely clear the unlicensed PCS band before many types of unlicensed products can be introduced. See Comments of Telocator at 13-14; ROLM at 2; American Personal Communications at 8; Apple Computer, Inc. In addition, the establishment of a collective industry entity is necessary in order to negotiate the relocation of the current occupants of this band. Comments of NATA at 3-6. Further, the length of the transition period is a particularly critical issue

~~for unlicensed PCS. Comments of NATA at 3-6. Further, the length of the transition period is a particularly critical issue~~

II. THE COMMISSION SHOULD LIMIT, NOT EXPAND, THE PUBLIC SAFETY EXEMPTION

NATA opposes the requests of American Public Power Association ("APPA") and Utilities Telecommunications Council ("UTC") for expansion of the public safety exemption. As a number of commenting parties have pointed out, for many types of unlicensed devices it is critical that the spectrum allocated for unlicensed PCS be completely cleared. The existence of an exemption from mandatory relocation is inconsistent with the need for clear spectrum in the bands allocated for unlicensed PCS. See Comments of Apple Computer, Inc. at 6-7; ROLM at 2-3; Reply Comments of NATA at 3-4. Available information indicates that, out of approximately 450 microwave facilities in the 1910-1930 MHz band, as many as 25% may be classified as "public safety" facilities. As these parties have pointed out, the prospect that microwave licensees in this band might choose to, and be allowed to, remain in that band indefinitely regardless of the amount of compensation offered to them could place in jeopardy the value of the entire allocation for unlicensed PCS. Yet, the record in this proceeding and Docket 90-314 demonstrates that an allocation for unlicensed PCS is clearly in the public interest to serve the pent-up demand for numerous new office communications products and services which can be most efficiently provided on an unlicensed basis.

It is certainly not in the public interest to expand the scope of the public safety exemption. The Commission has proposed a generous transition and compensation plan for fixed microwave

licensees. Petitioners have not shown that this plan imposes any unreasonable hardship on those for whom they claim an exemption. Adding to the number of licensees who could refuse to move or demand exorbitant compensation would make it even more difficult

CERTIFICATE OF SERVICE

I, Robert F. Aldrich, hereby certify that on this 30th day of March, 1993, a true copy of the foregoing Comments of the North American Telecommunications Association was served by first class mail, postage prepaid, upon the parties listed below.


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